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BOOK REVIEWS AND NOTICES.

I.

A CONTRIBUTION TO CONSTITUTIONAL HISTORY.

The study of an interesting fragment of American history* was suggested to its author by the lack of any authoritative and connected account of the subject which was so closely associated with the early history of the Constitution. The newspapers of the day ; the letters and manuscripts of leaders of the movement against the Alien and Sedition laws ; and especially the letters and papers of John Breckenridge, form the basis of this clear and, in the main, impartial narrative of the famous Resolutions. The history goes back to the passage of the "Alien and Sedition Act," by which Congress delegated to the President the power to banish from the country, at his discretion, alien friends, and, in case of resistance, to imprison and deprive them of the right to become citizens. Alien enemies were subject to banishment and imprisonment by the same authority. The Sedition Act, as first presented to Congress, declared France a public enemy, and prescribed capital punishment to those citizens who should give aid or comfort to Frenchmen, although France was not then in a state of declared war. These clauses at once created great excitement, and were stricken out before the passage of the bill, and the last sections only, referring to seditious practices and the publication of seditious libels on the Government and its officers, were submitted and passed by both Houses. They were modified to permit the truth to be set up as a defense in action for libel, and to limit the continuance of the act to the period of one administration. In a letter from Mr. Jefferson, then Vice-President, this comment is found : "The Alien and Sedition laws are working hard. I fancy that some of the State legislatures will take strong ground on this occasion. For my own part, I consider those laws as only an experiment on the American mind to see how far it will bear an avowed violation of the Constitution. If this goes down, we shall immediately see attempted another act of Congress declaring that the President shall continue in office during life, reserving to another occasion, the transfer of the succession to his heirs and the establishment of the Senate for life. . . . That these things are in contemplation I have no doubt ; nor can I be confident of their failure after the dupery of which our countrymen have shown themselves susceptible."

The resolutions were passed by the Kentucky Legislature as a protest against this encroachment on State rights, and distinctly stated that Congress had violated that amendment to the Constitution by which it was declared that "the powers not delegated to the United States by the Constitution nor prohibited by

* "The Kentucky Resolutions of 1798," An Historical Study. By Ethelbert Dudley Warfield, A.M., LL.B. G. P. Putnam's Sons.

it to the States, are reserved to the States respectively, or to the people." Also, that clause of the Constitution which asserts "that the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808." A similar series of resolutions, written by Mr. Madison, were passed by the legislature of Virginia at a later day.

The authorship of the Kentucky resolutions has been a matter of discussion, though not for many years following their production was Mr. Breckenridge's claim disputed. Mr. Warfield asserts that the document was prepared by Mr. Breckenridge, after a consultation with Jefferson and Col. W. C. Nicholas, from a draught which Jefferson had drawn up by request, the draught being embodied in part only, and with many modifications by Mr. Breckenridge, who claimed, and during his lifetime always received, the honor of being their author.

The volume is a valuable contribution to the constitutional history of our country.

II.

NAPOLEON AND THE RUSSIAN CAMPAIGN.

THE picture of Napoleon Bonaparte which Count Tolstoi draws in his review of the Russian campaign,* is several shades darker than any yet presented by his numerous biographers and critics. Very naturally, the Russian could not be expected to extol the conqueror of Moscow, but Tolstoi's reputation for love of justice and clearness of vision would lead the reader to anticipate an impartial, unpartisan estimate of a man whose career attracts the attention of writers and readers even at this day. A careful inspection of this work of eighteen chapters, discovers no trace of the greatness usually ascribed to Napoleon, even by his enemies. Everything has been taken from him save his name and his existence. If this were the only volume which contained the record of that memorable winter in Russia, scarcely enough interest would be aroused in the reader's mind to induce him to follow the fortunes of the French Emperor to the closing chapter. It is difficult to recognize the hero of Jena and Austerlitz in the stultified, erratic, selfish, inconsequent, itinerant general, whose numerous errors in judgment are condoned by the wisdom of his subordinates, and whose brilliant strategic movements, at least we have always so considered them, are made to appear the result of a blind and immovable Fate which held him in its firm grasp and prevented anything like the exercise of individual judgment. For example, the orders for the battle of Borodino contained, we are told, the following: "The batteries established at the points chosen by Napoleon with the cannon of Pernety and Fouché, will place themselves in line, one hundred and two pieces in all, and, opening fire, will devastate the Russian outworks and redoubts."

Tolstoi asserts that this command was futile, because the station selected by Napoleon for the batteries was at such distance from the Russian entrenchments that no shots could possibly have reached them, and the one hundred and two cannon would have thundered in vain. The entire order is stigmatized as confused and useless, to any one who might dare to analyze its meaning, and of the four commands contained in it, not one was carried out. "The progress of the battle was not directed by Napoleon, for no part of his plan was carried out, and during the engagement he did not know what was going on before his eyes."

*"The Physiology of War. Napoleon and the Russian Campaign." By Count Leo Tolstoi. Translated from the third French edition, by Huntington Smith. Thomas Y. Crowell & Co.